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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,950	08/29/2000	Mark T. Gross	5038-41	8973
32231	7590	12/20/2005		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER LESNIEWSKI, VICTOR D	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/650,950	GROSS, MARK T.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,14,18,20-22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,14,18,20-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 3 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 10/31/2005 has been placed of record in the file.
2. Claims 1, 3, 14, 18, 20, and 25 have been amended.
3. The objections to claims 1, 4, 5, and 20 are withdrawn in view of the amendment.
4. The rejection of claims 14 and 25 under 35 U.S.C. 101 is withdrawn in view of the amendment.
5. Claims 2, 6, 7, 19, 23, and 24 have been canceled.
6. Claims 1, 3-5, 14, 18, 20-22, and 25 are now pending.
7. The applicant's arguments with respect to claims 1, 3-5, 14, 18, 20-22, and 25 have been considered but are moot in view of the following new grounds of rejection.

Response to Amendment

8. Claims have been amended to show an email server on a network appliance. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state receiving configuration instructions via an email message at an email server on the network appliance. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

Claim Objections

9. Claims 3 and 20 are objected to because of the following informalities:
 - Claim 3 appears to be misworded at lines 1-2 where the claim states “the e-mail server on the on the camera”.

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- Claim 3 makes claim to “the method of claim 2.” However claim 2 has been canceled and therefore claim 3 cannot be dependent on it. For the purpose of applying prior art it will be assumed that claim 3 refers to the method of claim 1.
- Claim 20 makes claim to “the method of claim 19.” However claim 19 has been canceled and therefore claim 20 cannot be dependent on it. For the purpose of applying prior art it will be assumed that claim 20 refers to the method of claim 18.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3-5, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib (U.S. Patent Number 6,272,532) in view of Ono (U.S. Patent Number 6,133,941).

12. Feinleib disclosed a system wherein a network appliance is controlled by commands in received electronic messages. In an analogous art, Ono disclosed a system where a remote client can control the functions of a camera over a network.

13. Concerning claim 1, Feinleib did not explicitly state utilizing a camera as a network appliance or the configuration instructions causing the camera to perform one of either changing a direction the camera is pointing or panning/tilting/zooming. However, Ono does explicitly disclose these features as his system allows the functions of a network camera to be controlled by

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external commands. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Feinleib by adding the ability to use a camera and have the configuration instructions cause the camera to perform one of either changing a direction the camera is pointing or panning/tilting/zooming as provided by Ono. Here the combination satisfies the need for a network that maintains the ability to issue commands to a specific system via email. See Feinleib, column 1, lines 49-55.

14. Concerning claim 1, Feinleib did not explicitly state receiving configuration instructions at a server on a camera. However, Ono does explicitly disclose these features as his system maintains a camera that includes a camera control server in addition to the actual camera structure. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Feinleib by adding the ability to receive configuration instructions at a server on a camera as provided by Ono. Here the combination satisfies the need for a network in which users can control the functions of a video input device. See Ono, column 1, lines 23-32.

15. Concerning claim 4, Feinleib did not explicitly state the appliance always being connected to the network. However, permanent network connectivity for network appliances was well known in the art at the time of the applicant's invention as it allows for uninterrupted monitoring of network activity or uninterrupted monitoring or use of the appliance. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Feinleib by adding the ability to have the appliance always connected to the network.

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16. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as an article are rejected under the same rationale applied to the described claim.

17. Thereby, the combination of Feinleib and Ono discloses:

- <Claims 1 and 14>

A method for configuring camera (Ono, figure 1, item 11) across a network, comprising: receiving configuration instructions via an e-mail message at an e-mail server on the camera including the instructions in command format received at the camera (Feinleib, column 2, lines 50-59 and Ono, column 4, lines 19-29); extracting the configuration instructions from the e-mail message (Feinleib, column 2, line 64 through column 3, line 2 and column 4, lines 4-7); and configuring the camera according to the configuration instructions (Feinleib, column 4, lines 11-13), wherein the configuration instructions cause the camera to perform one of either changing a direction the camera is pointing or panning/tilting/zooming (Ono, column 4, lines 19-29).

- <Claim 3>

The method of claim 2 wherein the e-mail server on the on the camera is one of the group comprised of: an IMAP server, and a SMTP server (Feinleib, column 2, lines 59-66).

- <Claim 4>

The method of claim 1 wherein the method further comprises running a mail daemon from the camera, wherein the camera is always connected to the network (obviousness) and the daemon monitors electronic mail for the device (Feinleib, column 5, lines 28-36).

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- <Claim 5>

The method of claim 1 wherein the method further comprises connecting the camera to the network to receive the e-mail message (Feinleib, column 5, lines 28-36).

Since the combination of Feinleib and Ono discloses all of the above limitations, claims 1, 3-5, and 14 are rejected.

18. Claims 18, 20-22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib in view of Ono, as applied above, further in view of Boys (U.S. Patent Number 6,314,094).

19. The combination of Feinleib and Ono disclosed a system wherein a network appliance is controlled by commands in received electronic messages and a server resides on the network appliance to effectuate the control. In an analogous art, Boys disclosed detail of an Internet radio which is another network appliance similar to a network camera as discussed in the combination of Feinleib and Ono.

20. Concerning claim 18, the combination of Feinleib and Ono did not explicitly state utilizing a radio receiver as a network appliance or the configuration instructions causing the receiver to access data from a new uniform resource locator. However, Boys does explicitly disclose these features as his system is focused on a network appliance which is an Internet radio. Boys' Internet radio allows the user control it so that it accesses data from different URLs. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Feinleib and Ono by adding the ability to use a radio receiver instead of a camera and the ability to have the configuration instructions cause

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the receiver to access data from a new uniform resource locator as provided by Boys. Here the combination satisfies the need for a network that maintains the ability to issue commands to a specific system via email. See Feinleib, column 1, lines 49-55.

21. Concerning claim 21, the combination of Feinleib and Ono did not explicitly state the appliance always being connected to the network. However, permanent network connectivity for network appliances was well known in the art at the time of the applicant's invention as it allows for uninterrupted monitoring of network activity or uninterrupted monitoring or use of the appliance. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Feinleib and Ono by adding the ability to have the appliance always connected to the network.

22. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as an article are rejected under the same rationale applied to the described claim.

23. Thereby, the combination of Feinleib, Ono, and Boys discloses:

- <Claims 18 and 25>

A method for configuring a radio receiver (Boys, column 4, lines 16-25) across a network, comprising: receiving configuration instructions via an e-mail message at an e-mail server on the receiver including the instructions in command format received at the receiver (Feinleib, column 2, lines 50-59 and Ono, column 4, lines 19-29); extracting the configuration instructions from the e-mail message (Feinleib, column 2, line 64 through column 3, line 2 and column 4, lines 4-7); and configuring the radio according to the configuration instructions (Feinleib, column 4, lines 11-13), wherein the configuration

instructions cause the receiver to access data from a new uniform resource locator (Boys, column 6, lines 47-55 and column 14, lines 44-53).

- <Claim 20>

The method of claim 19 wherein the mail server on the receiver is one of the group comprised of: an IMAP server, and a SMTP server (Feinleib, column 2, lines 59-66).

- <Claim 21>

The method of claim 18 wherein the method further comprises running a mail daemon from the receiver, wherein the receiver is always connected to the network (obviousness) and the daemon monitors electronic mail for the device (Feinleib, column 5, lines 28-36).

- <Claim 22>

The method of claim 18 wherein the method further comprises connecting the receiver to the network to receive the e-mail message (Feinleib, column 5, lines 28-36).

Since the combination of Feinleib, Ono, and Boys discloses all of the above limitations, claims 18, 20-22, and 25 are rejected.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Krishnamurthy et al. (U.S. Patent Number 6,389,464) disclosed a site server that manages connected devices which is configurable from remote locations using an Internet browser.
- Sato et al. (U.S. Patent Number 6,525,761) disclosed a camera control apparatus that provides an end user with the ability to remotely control a video camera via the Internet.

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- Anderson et al. (U.S. Patent Number 6,567,122) disclosed a system for access a web page hosted by a digital camera where the web page provides images captured by the camera to the user.

25. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

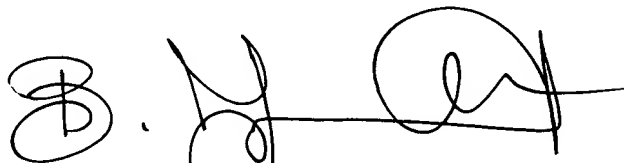
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER